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12
13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF WASHINGTON

15 UNITED STATES OF AMERICA,

16
17 Plaintiff,

18
19 vs.

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21 RONALD CRAIG ILG,

22
23 Defendant.

Case No. 2:21-cr-00049-WFN

**DEFENDANT'S MOTION TO
REOPEN DETENTION HEARING
RE: REQUEST FOR RELEASE
OF DEFENDANT**

Without Oral Argument:
June 2, 2021 at 6:30 pm

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27 COMES NOW, Defendant RONALD CRAIG ILG, by and through his
28 attorneys of record, Carl J. Oreskovich and Andrew M. Wagley of Etter,
29 McMahon, Lamberson, Van Wert & Oreskovich, P.C., and hereby moves the
30 Court for an Order granting his release from custody pending trial. This Motion
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1 is made pursuant to the Bail Reform Act, 18 U.S.C. § 3141, *et seq.* This Motion
2
3 is supported by the following Memorandum of Law and the accompanying
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5 Forensic Psychological Evaluation completed by Alexander Patterson, Psy.D.

6
7 **BACKGROUND**

8 This is a prosecution of Defendant Ronald Craig Ilg, MD (“Dr. Ilg”) for
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10 Attempted Kidnapping contrary to 18 U.S.C. § 1201(a)(1), (d). The
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12 Government alleges that Dr. Ilg “communicat[ed] with various
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14 administrators/representatives from dark-web sites to hire someone to harm two
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16 individuals in Spokane, Washington.” (ECF No. 1 at 3.) The Indictment
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18 provides, in pertinent part:

19 Beginning on or about February 15, 2021, and continuing until on
20 or about April 11, 2021, . . . the Defendant [Dr. Ilg] . . . did
21 unlawfully and willfully attempt to seize, confine, kidnap, abduct
22 and carry away and hold for reward or otherwise, J.L.I., and used
23 a means, facility, and instrumentality of interstate and foreign
24 commerce, to include a cellular phone, the Internet, and related
25 instrumentalities, in attempting to commit and in furtherance of
26 the commission of the offense.

27 (ECF No. 22 at 1.) The alleged victim is Dr. Ilg’s wife (“Victim 2”). Dr. Ilg
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29 was also previously charged via Criminal Complaint regarding another
30
31 individual, “Victim 1.” (*See* ECF No. 1.)
32

1 Dr. Ilg was born in Bellingham, WA and the sixth of eight children. Dr. Ilg
2
3 grew up in a small, farming community in the Willamette Valley of Oregon and
4
5 attended Western Oregon State College. (Ex. A at 1.) Dr. Ilg graduated from
6
7 Oregon Health Sciences University School of Medicine in 1994. (*Id.* at 2.)
8
9 Following a Pediatric Residency and Perinatal-Neonatal Fellowship Program in
10
11 Portland, Dr. Ilg moved to Spokane in 2003 to practice neonatology. (*See id.*)

12 As a neonatologist in Spokane, Dr. Ilg has worked at Deaconess Hospital
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14 and Sacred Heart Medical Center, including as Director of the Deaconess ICU.
15
16 (Ex. A at 1.) Dr. Ilg holds many certifications, including Pediatric Board
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18 Certification and Neonatal-Perinatal Medicine Certification. (*Id.* at 3.)
19
20 Beginning in December 2020, Dr. Ilg served as Executive Director and Chief
21
22 Medical Officer of Maddie's Place, a nonprofit focused on medical care for drug
23
24 dependent newborns and their mothers. (*Id.* at 2.) Dr. Ilg also owns a cherry
25
26 orchard in Walla Walla, WA with family. (ECF No. 8 at 2.)

27 Dr. Ilg has no criminal history. (ECF No. 8 at 2.) Dr. Ilg has substantial
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29 ties to the community, including his ex-wife Corrina Cockrill and two biological
30
31 sons. Dr. Ilg's family live in the Spokane area. (*See* ECF No. 8; *accord* ECF
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1 No. 11.) Additionally, Dr. Ilg has resided at his current home in Spokane since
2
3 2003. (ECF No. 8 at 1.)
4

5 Dr. Ilg has been in custody at the Spokane County Jail since April 16,
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7 2021. (*See* ECF No. 12.) On April 21, 2021, the Court held a detention hearing.
8 (*See* ECF No. 15.) The Court granted the Government’s motion for detention,
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10 but indicated that detention was “subject to [the] right to return before the Court
11
12 should circumstances change.” (*Id.* at 2.) During the detention hearing, the
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14 Court indicated that in order to grant Dr. Ilg’s release, it would need assurance
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16 of no contact with the alleged victim(s) and witnesses, satisfaction of Dr. Ilg’s
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18 mental state, and a substantial cash bond.

19 This Motion is supported by the accompanying Forensic Psychological
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21 Evaluation of Alexander Patterson, Psy.D. In the Psychological Evaluation, Dr.
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23 Patterson opines, in pertinent part, that “there is insufficient evidence to suggest
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25 that Dr. Ilg is a significant risk for suicide at the current time.”¹ Dr. Patterson
26
27 further indicates: “Dr. Ilg also does not appear to be a significant risk for
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29 criminal behavior that would present a threat to public safety.” As such, Dr.

30 ¹ Although Dr. Ilg also seeks to have the Forensic Psychological Evaluation be
31 filed under seal based upon medical privacy, the excerpts quoted in this brief are
32 the conclusions reached by Dr. Patterson as opposed to specific private medical
details provided during the evaluation.

1 Patterson concludes that “Dr. Ilg does not currently meet criteria for a
2 psychiatric illness.”
3

4
5 In support of the release of Dr. Ilg from custody, Dr. Patterson proposed
6 the following safety plan:
7

- 8 1. He should have no contact with [J.I.] (wife) or [M.P.]
9 (“girlfriend”). Contact with these individuals would likely
10 cause Dr. Ilg’s mental state to destabilize.
- 11 2. He should establish care with a psychotherapist. I
12 recommend counseling sessions at least weekly to monitor
13 his mental health and help with stress management.
- 14 3. He should continue taking escitalopram (Lexapro) as
15 prescribed. This medication could be managed by his
16 family physician or internist.
- 17 4. He should abstain from all substances, including anabolic
18 steroids (which can have psychological side-effects).
- 19 5. Ms. Cockrill is his primary source of support and appears to
20 be a positive influence. Residing with her, either at his
21 home in Spokane or her home in Wenatchee, would likely
22 be beneficial. This would also have the advantage of
23 providing contact with Dr. Ilg’s older son ([B.I.]), which
24 would be a protective factor.
- 25 6. Immediate referral to an inpatient psychiatric facility would
26 be advised if Dr. Ilg’s mental health starts to decline.
- 27 7. His access to firearms, knives, and medication should be
28 limited as much as possible. I recommend either removing
29 these items from the home or placing them in a safe.
30 Ideally, a third party such as Ms. Cockrill could keep his
31 antidepressant and provide it at intervals to limit his
32 opportunity to overdose.

1 In addition to the Psychological Evaluation, Dr. Ilg is also willing to post a
2 substantial cash bond in support of his release.
3

4
5 **POINTS & AUTHORITES**

6 Release and detention pending trial is governed by the Bail Reform Act
7 (“BRA”), 18 U.S.C. § 3141, *et seq.* “The whole spirit of the Bail Reform Act, . .
8 . is that a defendant facing trial should be released, rather than detained, unless
9 there are strong reasons for not releasing him.” *United States v. Honeyman*, 470
10 F.2d 473, 474 (9th Cir. 1972). In this vein, “federal law has traditionally
11 provided that a person arrested for a noncapital offense shall be admitted to
12 bail.” *United States v. Motamedi*, 767 F.2d 1403, 1405 (9th Cir. 1985). The
13 Bail Reform Act “requires the release of a person facing trial under the least
14 restrictive condition or combination of conditions that will reasonably assure the
15 appearance of the person as required and the safety of the community.” *United*
16 *States v. Gebro*, 948 F.2d 1118, 1121 (9th Cir. 1991).
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26 Pursuant to 18 U.S.C. § 3142(c)(3), “[t]he judicial officer may at any time
27 amend the order to impose additional or different conditions of release.”
28 Further, the detention hearing “may be reopened . . . at any time before trial if
29 the judicial officer finds that information exists that was not known to the
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1 movant at the time of the hearing and that has a material bearing on . . . whether
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3 there are conditions of release that will reasonably assure the appearance of such
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5 person as required and the safety of any other person and the community.” 18
6 U.S.C. § 3142(f).
7

8 **A. The Bail Reform Act Provides a Presumption of Release.**
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10 “The BRA dictates that a defendant is entitled to pretrial release unless a
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12 judicial officer judge finds that ‘no condition or combination of conditions will
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14 reasonably assure the appearance of the person as required and the safety of any
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16 other person and the community.’” *United States v. Rangel*, 318 F. Supp. 3d
17 1212, 1216 (E.D. Wash. 2018) (quoting 18 U.S.C. § 3142(e)(1)). That is, “[t]he
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19 judicial officer shall order the pretrial release . . . , unless the judicial officer
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21 determines that such release will not reasonably assure the appearance of the
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23 person as required or will endanger the safety of any other person or the
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25 community.” 18 U.S.C. § 3142(b). The BRA makes clear “[o]nly in rare cases
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27 should release be denied, and doubts regarding the propriety of pretrial release
28
29 are to be resolved in favor of the defendant.” *United States v. Santos-Flores*,
30 794 F.3d 1088, 1090 (9th Cir. 2015); *accord Motamedi*, 767 F.2d at 1405.
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1 **B. The Proposed Conditions of Release Would Reasonably Assure Dr.**
2 **Ilg's Future Appearance and the Safety of the Community.**
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4 At the detention hearing, the Court shall consider to following factors in
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6 determining what conditions of release would reasonably assure a defendant's
7
8 future appearance and protect the safety of the community:

9 (1) the nature and circumstances of the offense charged,
10 including whether the offense is a crime of violence; . . .

11 (2) the weight of the evidence against the person;

12 (3) the history and characteristics of the person, including--

13 (A) the person's character, physical and mental condition,
14 family ties, employment, financial resources, length of
15 residence in the community, community ties, past conduct,
16 history relating to drug or alcohol abuse, criminal history,
17 and record concerning appearance at court proceedings;
18 and

19 (B) whether, at the time of the current offense or arrest, the
20 person was on probation, on parole, or on other release
21 pending trial, sentencing, appeal, or completion of
22 sentence for an offense under Federal, State, or local law;
23 and

24 (4) the nature and seriousness of the danger to any person or the
25 community that would be posed by the person's release.

26 18 U.S.C. § 3142(g). In general, "[t]he weight to be accorded to each factor
27 rests in the Court's discretion." *Rangel*, 318 F. Supp. 3d at 1216.

28
29 At the detention hearing, "[t]he facts the judicial officer uses to support a
30 finding . . . that no condition or combination of conditions will reasonably assure
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1 the safety of any other person and the community shall be supported by clear
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3 and convincing evidence.” 18 U.S.C. § 3142(f)(2)(B).
4

5 ***1. Nature and Circumstances of the Offense.***

6 The first factor for the Court to consider is “the nature and circumstances
7 of the offense charged.” 18 U.S.C. § 3142(g)(1). As indicated above, the
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9 Indictment charges Dr. Ilg with one count of Attempted Kidnapping. (See ECF
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11 No. 22.) Although Attempted Kidnapping is a “crime of violence,” the
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13 allegations by the Government do not involve the use of a firearm by Dr. Ilg in
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15 furtherance of the crime.
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17 Pursuant to 18 U.S.C. § 3142(e)(3), various crimes contain a presumption
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19 “that no condition or combination of conditions will reasonably assure . . . the
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21 safety of the community.” These offenses include a “crime of violence,” only if
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23 a firearm was used “in furtherance of any such crime.” 18
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25 U.S.C. § 3142(e)(3)(B); 18 U.S.C. § 924(c)(1)(A). Although Attempted
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27 Kidnapping may qualify as a “crime of violence,” the Government does not
28
29 allege that Dr. Ilg used a firearm “in further of any such crime.” 18
30
31 U.S.C. § 924(c)(1)(A). As such, a presumption of release exists under the BRA
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1 that the Government must overcome via “clear and convincing evidence.” 18
2
3 U.S.C. § 3142(f)(2)(B). Therefore, the first factor supports release.
4

5 ***2. Weight of Evidence Against the Person.***
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7 Pursuant to § 3142(g)(2), the Court also must consider “the weight of the
8 evidence against the person.” However, “the Ninth Circuit has directed that the
9 weight of the evidence is the least important factor.” *Rangel*, 318 F. Supp. 3d at
10 1216; *accord Motamedi*, 767 F.2d at 1407 (“the weight of the evidence is the
11 least important of the various factors”). This is so because the Court should not
12 make “a preliminary determination of guilt,” as such a determination would in
13 effect make the refusal to grant release “in substance a matter of punishment.”
14 *Motamedi*, 767 F.2d at 1407.
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21 In the situation at hand, Dr. Ilg has pled not guilty to the Attempted
22 Kidnapping charge and denies all allegations levied against him. (*See* ECF No.
23 28.) The information allegedly provided by the Government regarding Dr. Ilg’s
24 activity on the “dark-web” came from an anonymous source tied to an
25 international news organization. (*See* ECF No. 1 at 3-4.) The messages
26 allegedly sent by Dr. Ilg are unauthenticated and the source of the messages are
27 currently unknown. Additionally, when interviewed by law enforcement, Dr. Ilg
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1 “denied hiring someone to have VICTIMS 1 and 2 assaulted and/or kidnapped.”
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3 (*Id.* at 18.) Although the Government previously argued that Dr. Ilg’s suicide
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5 attempt was evidence of guilt, the Court should not draw such an inference for
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7 determining consciousness of guilt. Further, this theory is unsupported by the
8
9 Forensic Evaluation of Dr. Patterson. As such, this factor supports release.

10 ***3. History and Characteristics of the Person.***
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12 The third factor for the Court to consider is “the history and characteristics
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14 of the person.” 18 U.S.C. § 3142(g)(3). This factor is further defined as the
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16 accused’s “character, physical and mental condition, family ties, employment,
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18 financial resources, length of residence in the community, community ties, past
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20 conduct, history relating to drug or alcohol abuse, criminal history, and record
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22 concerning appearance at court proceedings.” 18 U.S.C. § 3142(g)(3)(A).
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24 Additionally, the Court also must consider if “the person was on probation, on
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26 parole, or on other release pending trial, sentencing, appeal, or completion of
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28 sentence for an offense” when the crime was allegedly committed. 18
29
30 U.S.C. § 3142(g)(3)(B).

31 In the situation at hand, the history and characteristics of Dr. Ilg support
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pretrial release. Dr. Ilg has no criminal history. He has resided in the Spokane

1 area for almost 20-years and owns his residence. Dr. Ilg also has an ownership
2 interest in a cherry orchard in Eastern Washington (Walla Walla). Furthermore,
3 Dr. Ilg has family in the Spokane-area, to wit two biological sons and his ex-
4 wife and close friend, Corrina Cockrill. Additionally, Dr. Ilg does not have a
5 history of substance abuse nor any past events where he has failed to appear at a
6 court proceeding or absconded.
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12 ***4. Nature and Seriousness of Danger Posed to Any Person or the***
13 ***Community.***
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15 The final factor for the Court to consider is “the nature and seriousness of
16 the danger to any person or the community that would be posed by the person’s
17 release.” 18 U.S.C. § 3142(g)(4). Although the allegations against Dr. Ilg are
18 severe, the Forensic Evaluation by Dr. Patterson proposes a safety plan to
19 mitigate any concerns that Dr. Ilg poses a risk to himself or others. This plan
20 includes, but is not limited to, no contact with the alleged victims (and Dr. Ilg’s
21 former girlfriend), establishing care with a psychotherapist and continued
22 monitoring, placing Dr. Ilg in the custody of a responsible adult with knowledge
23 of the allegations, and prohibiting access to firearms or other weapons. As such,
24 the proposed safety plan should satisfy that Dr. Ilg will not pose a safety risk to
25 the community or others.
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2 **C. Dr. Ilg Does Not Present a Flight Risk.**
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4 The Court may also order detention of a defendant in a case that involves
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6 “a serious risk that such person will flee.” 18 U.S.C. § 3142(f)(2)(A). Notably,
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8 “the government bears the burden of showing by a preponderance of the
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10 evidence that the defendant poses a flight risk.” *Santos-Flores*, 794 F.3d at
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12 1090. In the situation at hand, Dr. Ilg has no criminal history, and therefore, has
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14 no previous events of failing to appear for proceedings or absconded.
15
16 Additionally, Dr. Ilg has substantial ties to the community and was employed as
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18 a physician in Spokane for almost 20-years. Any concern the Court may have
19
20 with Dr. Ilg posing a flight risk may be easily remedied by virtue of the
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22 Psychological Evaluation safety plan and surrender of Dr. Ilg’s passport.

23 **D. The Proposed Conditions of Release Are the Least Restrictive**
24 **Alternatives.**

25 In the event release on personal recognizance is not warranted, the Court
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27 “shall order the pretrial release of the person . . . subject to the least restrictive
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29 further condition, or combination of conditions, that such judicial officer
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31 determines will reasonably assure the appearance of the person as required and
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the safety of any other person and the community.” 18 U.S.C. § 3142(c)(1)(B).

1 The conditions of release may include, but are not limited to, a requirement that
2
3 the person:

4
5 (i) remain in the custody of a designated person, who agrees to
6 assume supervision and to report any violation of a release
7 condition to the court . . . ;

8 . . .

9 (iv) abide by specified restrictions on personal associations,
10 place of abode, or travel;

11 (v) avoid all contact with an alleged victim of the crime and
12 with a potential witness who may testify concerning the
13 offense;

14 (vi) report on a regular basis to a designated law enforcement
15 agency, pretrial services agency, or other agency;

16 (vii) comply with a specified curfew;

17 (viii) refrain from possessing a firearm, destructive device, or
18 other dangerous weapon;

19 (ix) refrain from excessive use of alcohol, or any use of a
20 narcotic drug or other controlled substance . . . ;

21 (x) undergo available medical, psychological, or psychiatric
22 treatment, including treatment for drug or alcohol dependency,
23 and remain in a specified institution if required for that purpose;

24 (xi) execute an agreement to forfeit upon failing to appear as
25 required, property of a sufficient unencumbered value,
26 including money, as is reasonably necessary to assure the
27 appearance of the person as required . . . ;

28 (xii) execute a bail bond with solvent sureties . . . ;

29 (xiii) return to custody for specified hours following release for
30 employment, schooling, or other limited purposes; and

31 (xiv) satisfy any other condition that is reasonably necessary to
32 assure the appearance of the person as required and to assure
the safety of any other person and the community.

18 U.S.C. § 3142(c)(1)(B).

1 In the scenario at hand, the Psychological Evaluation proposes a safety plan
2 that meets the requirements of the Bail Reform Act. The safety plan presents
3 the least restrictive alternative to allow the release of Dr. Ilg pending trial, while
4 satisfying the Court that no danger is posed to the community at large, the
5 alleged victims / witnesses, and Dr. Ilg himself. Additionally, Dr. Ilg is able and
6 willing to post a cash bond in the amount of \$250,000 in support of his release.
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12 CONCLUSION

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14 Based upon the foregoing, Dr. Ilg respectfully requests that this Court grant
15 his Motion to Reopen the Detention Hearing and release him from custody
16 pending trial in this matter.
17
18

19 RESPECTFULLY SUBMITTED this 2nd day of June, 2021.
20

21 ETTER, McMAHON, LAMBERSON,
22 VAN WERT & ORESKOVICH, P.C.
23

24 By: /s/ Carl J. Oreskovich
25

26 Carl J. Oreskovich, WSBA #12779

27 Andrew M. Wagley, WSBA #50007

28 *Attorneys for Defendant Ronald Craig Ilg*
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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of June, 2021, I electronically
filed the following document:

DEFENDANT’S MOTION TO REOPEN DETENTION HEARING
RE REQUEST FOR RELEASE OF DEFENDANT

with the Clerk of the Court using the CM/ECF System, which will send
notification of such filing to the following:

Richard R. Barker
Richard.Barker@usdoj.gov

James A. Goeke
James.Goeke@usdoj.gov

DATED this 2nd day of June, 2021.

By: /s/ Carl J. Oreskovich